



BLAIR MACKENZIE

2314 GRINSTEAD DRIVE
APARTMENT # 2
LOUISVILLE, KENTUCKY 40204
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UCANGETBLAIR@YAHOO.COM

December 3, 2004

Commissioner of Patents
ATT: Charles E. Phillips
Art Unit 3751
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Patent Application 10/609,350

Dear Mr. Phillips:

You sent me an office action in April rejecting my claim in the above-referenced patent application. I sent you Amendment A to my claims on June 14, 2004.

On September 26 you sent me a Notice of Abandonment, saying you had not received any response to your April action.

Please consider this my Petition to Withdraw the holding of Abandonment and Revive the Patent application on the basis of mistake or because of the misplaced paper work sent to you as Amendment A. As proof of the Amendment A paper work, I enclose:

1. A copy of Amendment A.
2. A copy of the certified mail receipt for my June 14, 2004 mailing of Amendment A.
3. A copy front and back of the return receipt requested sent with Amendment A.
4. A copy of the Office Action Summary Amendment A answers.
5. A copy of the Notice of Abandonment.

I trust this is sufficient proof to withdraw the abandonment. If you need anything further from me, please let me know and I will respond with promptly.

Sincerely,


Blair Mackenzie

cc: file



2002 0510 0001 5509 9439

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| CERTIFIED MAIL RECEIPT | |
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| Certified Fee | \$2.30 |
| Return Receipt Fee (Endorsement Required) | \$1.75 |
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See Reverse for Instructions

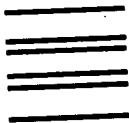


| SENDER: COMPLETE THIS SECTION | | COMPLETE THIS SECTION ON DELIVERY | |
|--|--|--|--|
| <p>1. Article Addressed to:</p> <p>Organisation TC 3700 Bldg/Ra. Al US Department of Commerce Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450</p> | | <p>A. Signature</p> <p>X</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery</p> | |
| <p>2. Article Number</p> <p>(Transfer from service label) 7002 0510 0001 5509 9439</p> <p>PS Form 3811, August 2001</p> | | <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p> | |
| <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> | | <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> | |

102595-01-M-2509



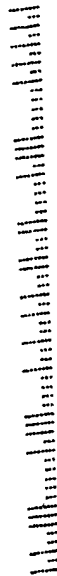
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Permit No. G-10



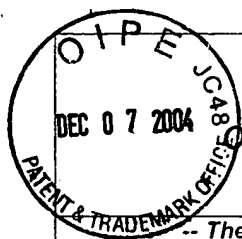
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*Blair Nicole Mackenzie
2314 Grinstead Dr. # 2
Louisville, KY 40204*



43



Office Action Summary

| | | |
|---------------------------------|----------------------------------|--|
| Application No. 10/609,350 | Applicant(s) MACKENZIE ET AL. | |
| Examiner Charles E. Phillips | Art Unit 3751 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

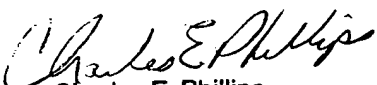
Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Struder and Hunnicutt, Jr.

Both references here are mounted on a toilet bowl by the seat bolts, see 7 of Struder and 41, 42 of Hunnicutt and each remove bathroom odors from the toilet before the odors enter the air space in the room.

Any inquiry concerning this communication should be directed to Charles Phillips at telephone number 308-1515.

Phillips/DI

March 29, 2004


Charles E. Phillips
Primary Examiner



Notice of References Cited

Application/Control No.

10/609,350

Applicant(s)/Patent Under
Reexamination
MACKENZIE ET AL.

Examiner

Charles E. Phillips

Art Unit

3751

Page 1 of 1

U.S. PATENT DOCUMENTS

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Name | Classification |
|---|---|--|-----------------|--------------------------|----------------|
| | A | US-4,168,553 | 09-1979 | Studer, Carl W. | 4/348 |
| | B | US-5,488,741 | 02-1996 | Hunnicult, Jr., Clyde J. | 4/213 |
| | C | US- | | | |
| | D | US- | | | |
| | E | US- | | | |
| | F | US- | | | |
| | G | US- | | | |
| | H | US- | | | |
| | I | US- | | | |
| | J | US- | | | |
| | K | US- | | | |
| | L | US- | | | |
| | M | US- | | | |

FOREIGN PATENT DOCUMENTS

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Country | Name | Classification |
|---|---|--|-----------------|---------|------|----------------|
| | N | | | | | |
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NON-PATENT DOCUMENTS

| * | | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) |
|---|---|---|
| | U | |
| | V | |
| | W | |
| | X | |

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



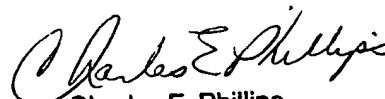
Notice of Abandonment

| | | |
|---------------------|------------------|--|
| Application No. | Applicant(s) | |
| 10/609,350 | MACKENZIE ET AL. | |
| Examiner | Art Unit | |
| Charles E. Phillips | 3751 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 02 April 2004.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


Charles E. Phillips
Primary Examiner

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



UNITED STATES PATENT AND TRADEMARK OFFICE

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|-----------------|-------------|----------------------|---------------------|------------------|
| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/609,350 | 06/30/2003 | Blair MacKenzie | | 8167 |

7590 11/15/2004

Blair Nicole MacKenzie
2314 Grinstead Drive, # 2
Louisville, KY 40204

EXAMINER

PHILLIPS, CHARLES E

ART UNIT

PAPER NUMBER

3751

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.



Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on December 3, 2004
Date

In this mailing:

- 1) cover letter
- 2) copy of Amendment A to claims
- 3) copy of certified mail receipt
- 4) copy of return receipt request
- 5) copy of Office Action
- 6) Copy of Notice of Abandonment

Signature

Blair Mackenzie

Typed or printed name of person signing Certificate

Registration Number, if applicable

502.459.6189

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form should be sent to the Department of Commerce, Patent and Trademark Office, 1400 Constitution Avenue, NW, Washington, DC 20540.

ADDRESS: SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450